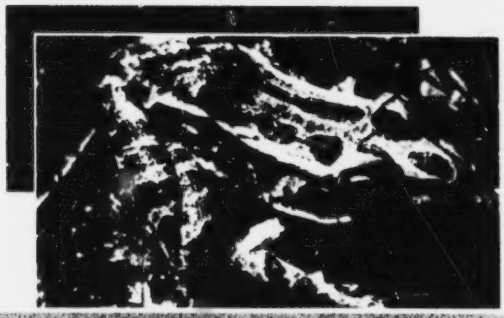
Ontario

PLAN DE
CONSERVATION DE LA

MORAINE D'OAK RIDGES

103 0142o



Plan de conservation de la moraine d'Oak Ridges

Publié par
le ministère des Affaires municipales et du Logement de l'Ontario

Certaines des photos figurant dans cette publication ont été fournies par le ministère des Richesses naturelles et sont indiquées par le sigle MRN.

Les autres photos sont de Rick Chard.

© 2002, Imprimeur de la Reine pour l'Ontario

Ce document ainsi que d'autres publications du gouvernement de l'Ontario sont en vente à Publications Ontario au 880, rue Bay, Toronto. Les personnes de l'extérieur de Toronto peuvent les commander en écrivant à Publications Ontario, 50, rue Grosvenor, Toronto ON M7A 1N8. Téléphone : 416 326-5300 ou sans frais au Canada 1-800-668-9938. Télécopieur : 416 326-5317. Internet : www.publications.gov.on.ca. Les personnes malentendantes peuvent appeler sans frais au Canada le numéro 1-800-268-7095. Les cartes de crédit MasterCard, Visa et American Express sont acceptées. Les chèques et mandats doivent être libellés à l'ordre du ministre des Finances de l'Ontario. Paiement exigé d'avance.

ISBN: 0-7794-3066-2
Available in English : Oak Ridges Moraine Conservation Plan

Ministry of Municipal Affairs and Housing

Office of the Minister

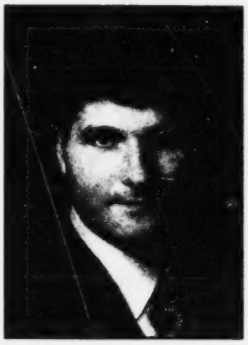
777 Bay Street
Toronto ON M5G 2E5
Tel: 416 585-7000
www.mah.gov.on.ca

Ministère des Affaires municipales et du Logement

Bureau du ministre

777, rue Bay
Toronto ON M5G 2E5
Tél. : 416 585-7000
www.mah.gov.on.ca

Ontario



Message du ministre Chris Hodgson
au sujet du Plan de conservation de la moraine d'Oak Ridges

En mai 2001, j'ai demandé à des intervenants de milieux très variés de travailler ensemble et de s'entendre sur la façon de préserver l'équilibre écologique de la moraine d'Oak Ridges. Notre but était de créer un plan qui assure, dans les années à venir, la protection de toutes les ressources en eau importantes et de toutes les particularités naturelles importantes de la moraine d'Oak Ridges – un plan qui établisse clairement quelles régions ont besoin de protection et quels endroits se prêtent à l'aménagement en toute certitude.

Le résultat est une réussite monumentale, applaudie par les intervenants et par les citoyens.

La moraine d'Oak Ridges s'étend sur une distance de 160 kilomètres entre la rivière Trent à l'est et l'escarpement du Niagara à l'ouest. Elle constitue l'habitat naturel d'innombrables espèces de plantes et d'animaux, y compris des espèces menacées que l'on ne retrouve nulle part ailleurs dans le Sud de l'Ontario. En plus de protéger l'une des plus importantes richesses écologiques, ce plan historique crée un héritage pour les générations futures.

Le Plan de conservation de la moraine d'Oak Ridges marque le début d'un nouveau consensus parmi les intervenants, c'est-à-dire les groupes environnementaux, le secteur de l'aménagement, les municipalités, les producteurs d'agrégats et les gens qui ont des intérêts dans l'agriculture.

Le Plan autorise l'aménagement uniquement dans les zones de peuplement approuvées, préserve les terres agricoles et interdit à jamais de réduire la superficie des zones centrales naturelles et des liens physiques naturels sensibles. Il renferme des politiques

strictes de protection de la qualité et de la quantité des eaux de la moraine, notamment des sources, des cours d'eau froide et de tous les lacs de kettle qui s'y trouvent. Il prévoit l'aménagement d'un sentier ininterrompu qui sera accessible à tout le monde, y compris les personnes handicapées.

La conservation de la moraine d'Oak Ridges s'inscrit dans le cadre de la croissance intelligente, la stratégie à long terme que le gouvernement de l'Ontario a adoptée pour gérer la croissance de façon à créer des collectivités vigoureuses, une économie solide et un environnement sain. La croissance intelligente permettra à nos enfants et nos petits-enfants de grandir dans des collectivités favorables et florissantes, entourés par la nature.

Ce Plan est un guide pratique qui s'adresse aux planificateurs, aux promoteurs et aux dirigeants et au personnel des municipalités, et qui saura peut-être même inspirer les étudiants et d'autres provinces et territoires. Au nom du gouvernement de l'Ontario, je vous remercie de votre intérêt.

Amicalement,

Chris Hodgson
Ministre des Affaires municipales et du Logement

TABLE DES MATIÈRES

INTRODUCTION 1

Au sujet de ce Plan 1
Croissance intelligente et moraine d'Oak Ridges 4
Pouvoir d'établir ce Plan 4
But de ce Plan 4
Vision pour la moraine d'Oak Ridges 4
Objectifs du Plan 5
Affectations du territoire 5
Protection de l'intégrité de la moraine 7
Politiques particulières concernant l'aménagement du territoire 8
Limites 8
Examens et modifications 9
Comment lire ce Plan 9
Comment utiliser ce Plan 10

REGLEMENT CONCERNANT LE PLAN DE CONSERVATION DE LA MORAINE D'OAK RIDGES (Règlement de l'Ontario 140/02) 13–76

MISE EN ŒUVRE 77

Situation et effet de ce Plan 77
Obligations provinciales et soutien technique 77
Mise en œuvre par les municipalités 78
Indicateurs de rendement et suivi 79
Examen et modification du Plan 79

Comment communiquer avec nous 83

Les sections INTRODUCTION et MISE EN ŒUVRE présentées dans ce document expliquent le Plan de conservation de la moraine d'Oak Ridges et donnent aux utilisateurs du Plan de l'information supplémentaire qui n'est pas contenue dans la Loi de 2001 sur la conservation de la moraine d'Oak Ridges ou dans le Règlement établissant le Plan. Bien que ces sections ne fassent pas partie du Règlement, lorsqu'elles sont lues de pair avec la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et le Plan de conservation de la moraine d'Oak Ridges, elles permettent aux utilisateurs de comprendre comment procéder à la mise en application du Plan et de la Loi. Ces sections ont été rédigées avec le plus grand souci de l'exactitude, mais si l'information qu'elles renferment entre en conflit avec les dispositions de la Loi ou le contenu du Plan, les dispositions de la Loi et le contenu du Plan l'emportent.

INTRODUCTION

Au sujet de ce Plan

Le Plan de conservation de la moraine d'Oak Ridges est un plan axé sur l'écologie qui a été élaboré par le gouvernement de l'Ontario afin de guider et de diriger l'aménagement des 190 000 hectares de terres et de masses d'eau dans le territoire de la moraine. Les décisions prises par les ministres, ministères et organismes provinciaux en vertu de la *Loi sur l'aménagement du territoire* ou de la *Loi de 1998 sur les condominiums* ou au sujet d'une question prescrite doivent être conformes à ce Plan.

Avec l'adoption de la Loi et l'élaboration de ce Plan, le gouvernement s'est doté d'un cadre stratégique clair pour assurer la protection de la moraine d'Oak Ridges. Ce cadre est conforme au système provincial d'aménagement du territoire, selon lequel les municipalités sont responsables de mettre en œuvre les politiques provinciales dans leurs plans officiels et dans leurs décisions concernant l'aménagement.

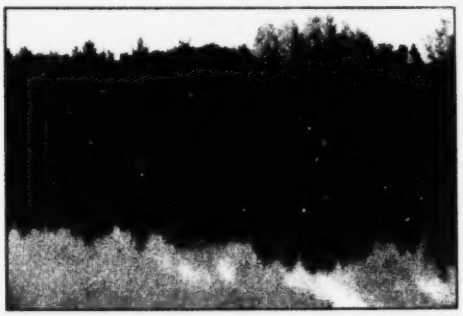
Les décisions d'aménagement du territoire prises par les municipalités doivent être conformes au Plan de conservation de la moraine d'Oak Ridges, qui a préséance sur les plans officiels des municipalités. Ceux-ci doivent être rendus conformes au Plan. Aucune disposition de ce Plan ne vise à empêcher les municipalités qui le souhaitent d'adopter des politiques dans leurs plans officiels ou des dispositions dans leurs règlements de zonage qui soient plus rigoureuses que les politiques de ce Plan, à moins que celui-ci ne l'interdise.

La moraine d'Oak Ridges est l'une des plus importantes formes de relief de l'Ontario. Cette crête de forme irrégulière mesure 160 kilomètres qui s'étendent de la rivière Trent à l'est jusqu'à l'escarpement du Niagara à l'ouest. L'escarpement et la moraine forment ensemble la fondation des systèmes du patrimoine naturel et des espaces verts de la région du Centre-Sud de l'Ontario. La moraine, qui est située stratégiquement au nord du lac Ontario et parallèlement à celui-ci, sépare les bassins versants déchargeant leurs eaux vers le sud dans la partie ouest du lac Ontario, et ceux déchargeant leurs eaux vers le nord dans la baie Georgienne, le lac Simcoe et le réseau hydrographique de la rivière Trent. La moraine donne à la région du Grand Toronto sa forme et sa structure actuelles et futures et remplit des fonctions écologiques d'une importance cruciale pour la santé de la région.

- des ressources en eau propres et abondantes;
- un habitat sain et diversifié pour les plantes et les animaux;
- un paysage intéressant et distinct;
- des régions agricoles à fort rendement;
- des ressources en sable et en gravier situées près des marchés.

Par ailleurs, une pression croissante s'exerce sur la moraine d'Oak Ridges afin que son territoire soit utilisé pour de nouveaux projets résidentiels, commerciaux, industriels et récréatifs qui entrent en concurrence avec le milieu naturel et qui peuvent le détériorer. Ce Plan se fonde sur des années de travail effectué par les ministères provinciaux, les régions de Durham, Peel et York (stratégie trirégionale de la moraine d'Oak Ridges), la coalition de conservation de la moraine d'Oak Ridges, les municipalités situées dans la moraine et les principaux intervenants afin d'élucider la question

de la protection et de la gestion à long terme de cette ressource naturelle vitale et de donner des garanties à cet égard.



Le ministre des Affaires municipales et du Logement a présenté la *Loi de 2001 sur la protection de la moraine d'Oak Ridges* en mai 2001, établissant un moratoire de six mois sur l'aménagement de la moraine afin de permettre au gouvernement de mener des consultations pour savoir comment protéger la moraine. Cette loi a été adoptée à l'unanimité par l'Assemblée législative de l'Ontario, est entrée en vigueur le 17 mai 2001 et sa durée d'application a pris fin le 17 novembre 2001.

Après l'adoption de la *Loi de 2001 sur la protection de la moraine d'Oak Ridges*, le ministre a créé un comité consultatif composé de 13 membres provenant des principaux groupes intéressés ainsi que d'un président. Ce comité était chargé de conseiller le ministre sur un plan pour l'avenir de la moraine. Une équipe interministérielle de hauts fonctionnaires du gouvernement de l'Ontario a également été mise sur pied pour travailler avec le comité consultatif.

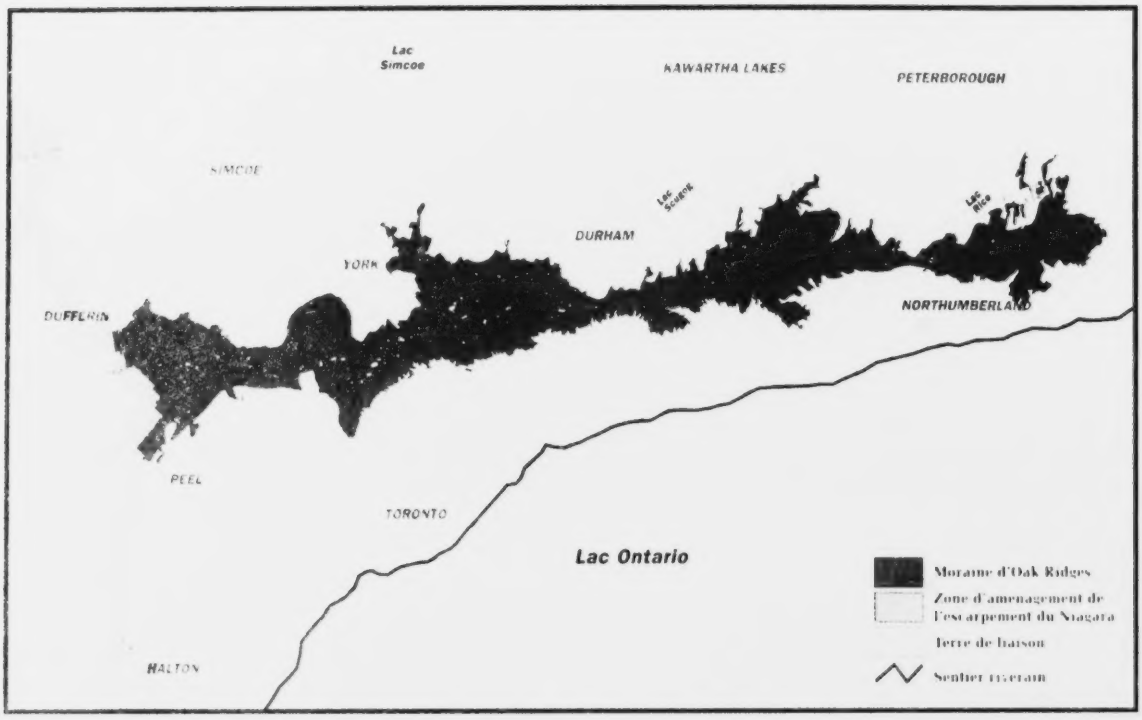
En juillet 2001, le comité consultatif s'est réuni et a formulé une série de recommandations qui ont été incorporées dans un document de consultation publique intitulé *Partagez votre façon de voir concernant la moraine d'Oak Ridges*, que le ministre a rendu public le 14 août 2001.

Du 28 août au 13 septembre, le comité consultatif et l'équipe interministérielle ont participé à des séances d'une journée avec les intervenants ainsi qu'à des séances publiques tenues en soirée à Uxbridge, Caledon East, Vaughan et Cobourg. Plus de 2 000 personnes ont assisté à ces forums.

Le ministère des Affaires municipales et du Logement a reçu par courriel, par la poste et par le biais du Registre environnemental près de 600 présentations portant sur ce document de consultation.

Ces consultations ont permis au public et aux intervenants de participer à l'élaboration d'une stratégie à long terme de conservation de la moraine et de donner à la province des idées pour l'élaboration de la Loi et d'un Plan.

Suite à cette série de réunions avec les intervenants et le public, le comité consultatif et l'équipe interministérielle



se sont réunis pour finaliser leurs conclusions et leurs recommandations, qui constituent le fondement de ce Plan.

Le 1er novembre 2001, le ministre a annoncé l'adoption d'une stratégie complète de conservation de la moraine d'Oak Ridges qui inclut la présentation de la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* (adoptée le 13 décembre 2001 et ayant reçu la sanction royale le 14 décembre 2001), un Plan proposé de conservation de la moraine d'Oak Ridges, une entente prévoyant une proposition d'échange de terrains et la nomination des membres du conseil d'administration provisoire de la Fondation de la moraine d'Oak Ridges.

Après avoir annoncé ces mesures, le ministre a continué de recueillir les commentaires du public et des intervenants par la poste, par courriel et par le biais du Registre environnemental. Au cours de cette période, plus de 600 commentaires ont été faits au ministre sur la stratégie complète. D'autres commentaires ont été apportés dans des présentations faites lors d'une audience du comité permanent sur la Loi tenue en décembre 2001. Ces commentaires ont été d'une grande utilité dans l'élaboration de la Loi

et du Règlement régissant le Plan de conservation de la moraine d'Oak Ridges.

Croissance intelligente et moraine d'Oak Ridges

La *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* et le Plan de conservation de la moraine d'Oak Ridges sont des éléments essentiels de la croissance intelligente.

La croissance intelligente est la stratégie à long terme adoptée par le gouvernement de l'Ontario pour stimuler et gérer la croissance de façon à créer des collectivités vigoureuses, une économie solide et un environnement sain. Cette stratégie consiste à intégrer les décisions concernant l'aménagement, l'infrastructure et l'environnement et à voir à ce que ces décisions soient judicieuses du point de vue économique.

Pouvoir d'établir le Plan

Le pouvoir d'établir le Plan est conféré au ministre par la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges*.

But de ce Plan

Le Plan de conservation de la moraine d'Oak Ridges a pour but de guider et de diriger les ministres, ministères et organismes provinciaux ainsi que les municipalités, les conseils d'aménagement municipaux, les propriétaires de terrains et les autres intervenants dans leur planification de l'aménagement du territoire et des ressources afin de protéger les éléments et les fonctions écologiques et hydrologiques de la moraine.

Vision pour la moraine d'Oak Ridges

La vision du gouvernement de l'Ontario à l'égard de la moraine d'Oak Ridges est celle d'un « ruban continu de terres verdoyantes et ondulantes qui prêtent une forme et une structure au Centre-Sud de l'Ontario tout en protégeant les éléments et les fonctions

écologiques et hydrologiques qui assurent la santé et le bien-être des habitants et des écosystèmes de la région. »

Objectifs du Plan

La *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* établit les objectifs suivants pour le Plan de conservation de la moraine d'Oak Ridges :

a) protéger l'intégrité écologique et hydrologique du territoire de la moraine d'Oak Ridges;
b) veiller à ne permettre que les utilisations des terres et des ressources qui maintiennent, renforcent ou rétablissent les fonctions écologiques et hydrologiques du territoire de la moraine d'Oak Ridges;
c) maintenir, renforcer ou rétablir tous les éléments qui favorisent les fonctions écologiques et hydrologiques du territoire de la moraine d'Oak Ridges, y compris la qualité et la quantité de ses eaux et autres ressources;
d) veiller au maintien du territoire de la moraine d'Oak Ridges comme relief et environnement naturels continus au profit des générations présentes et futures;
e) prévoir des utilisations et des formes d'aménagement des terres et des ressources qui soient compatibles avec les autres objectifs du Plan;

f) prévoir un aménagement continu à l'intérieur des zones de peuplement urbain existantes et reconnaître les peuplements ruraux existants;
g) prévoir un sentier récréatif continu dans le territoire de la moraine d'Oak Ridges qui soit accessible à tous, y compris les personnes handicapées;
h) prévoir d'autres formes d'accès public au territoire de la moraine d'Oak Ridges à des fins récréatives; et
i) tout autre objectif prescrit.

Affectations du territoire

Le Plan divise la moraine d'Oak Ridges selon quatre affectations : **zones centrales naturelles** (38 % de la moraine), **liens physiques naturels** (24 % de la moraine), **zones de campagne** (30 % de la moraine) et **zones de peuplement** (8 % de la moraine).

- Les **zones centrales naturelles** ont pour but de protéger les terres ayant la plus forte concentration d'éléments du patrimoine naturel qui sont d'une importance cruciale pour le maintien de l'intégrité de l'ensemble de la moraine. Seuls les aménagements actuels et de nouveaux aménagements très restreints d'exploitation des ressources, agricoles, récréatifs à faible intensité, d'entreprises à domicile, de transport et de services publics sont permis dans ces zones.

- Les **liens physiques naturels** protègent les liaisons naturelles et les espaces ouverts naturels entre les zones centrales naturelles et le long des rivières et des cours d'eau. Les seuls aménagements permis dans les liens physiques naturels sont ceux qui sont permis dans les zones centrales naturelles, et quelques exploitations d'agrégats minéraux.
- Les zones de campagne offrent une transition agricole et rurale, et servent de région tampon entre les zones centrales naturelles et les liens physiques naturels, et les zones de peuplement urbaines. Les terres agricoles à fort rendement et les éléments naturels y sont protégés. La plupart des utilisations permises dans les régions agricoles et les autres régions rurales y sont également permises.

  La carte des affectations du territoire de la moraine d'Oak Ridges identifie et délimite également les zones de peuplement rurales à l'intérieur des zones de campagne. Il s'agit de petits hameaux ou de petites collectivités semblables qui sont généralement établis depuis longtemps et qui sont identifiés dans les plans officiels.

- Les politiques applicables à la création et l'aménagement de nouveaux lots dans les zones centrales naturelles, les liens physiques naturels et les zones de campagne sont très strictes. Ces politiques prévoient des exceptions pour les zones de peuplement rurales de la moraine et dans la communauté de Palgrave Estates. Des activités restreintes de développement résidentiel dans les zones de campagne situées dans la ville de Kawartha Lakes et dans les comtés de Peterborough et de Northumberland sont également autorisées si la municipalité a effectué une étude complète de gestion de la croissance et une stratégie de développe-

ment économique rural ainsi qu'un bilan hydrique et un plan de conservation de l'eau.

- Les **zones de peuplement** incluent une variété de collectivités existantes figurant dans les plans des municipalités pour refléter des besoins et des valeurs communautaires. Les aménagements urbains permis par les plans officiels y sont autorisés.

La carte des affectations du territoire du Plan de conservation de la moraine d'Oak Ridges, désignée comme la carte nº 203 dans le Règlement de l'Ontario concernant le Plan, indique les limites de ces affectations ainsi que les peuplements ruraux et leurs limites.

Il est possible que les affectations du territoire et des peuplements ruraux soient définies avec plus de précision dans les plans officiels et les règlements de zonage lorsque ceux-ci seront modifiés pour les rendre conformes à ce Plan, conformément à la section 10 du Plan.

Protection de l'intégrité de la moraine

Ce Plan identifie les éléments d'importance du patrimoine naturel (tels que les terres humides et les terrains boisés) et les éléments sensibles sur le plan hydrologique (tels que les lacs de kettle et les sources). Dans les zones centrales naturelles, les liens physiques naturels et les zones de campagne, les utilisations nouvelles liées à la gestion des ressources, aux loisirs, au transport, aux infrastructures et aux services publics ne sont que très restreintes. L'aménagement à proximité des éléments d'importance du patrimoine naturel et des éléments sensibles sur le plan hydrologique est permis seulement s'il n'a pas de répercussions néfastes sur ces éléments. Dans les régions ayant d'importants éléments du relief (appelées régions de conservation du relief) situées dans les zones centrales naturelles, les liens physiques naturels et les zones de campagne, l'aménagement doit répondre à certaines règles très strictes d'examen et d'approbation afin d'assurer la protection de la moraine. Plus de 85 % des éléments d'importance du patrimoine naturel se trouvent dans des zones centrales naturelles ou des liens physiques naturels.

Les politiques relatives aux ressources en eau prévues par ce Plan exigent que les municipalités préparent un plan de gestion des bassins hydrographiques, un bilan hydrique et un plan de conservation de l'eau et qu'ils incorporent ces trois plans dans leurs plans officiels, dans un délai donné. Si ces travaux ne sont pas terminés, l'aménagement à grande échelle est soumis à des restrictions. Dans les zones de protection des sources et les zones très sensibles à la pollution des eaux souterraines, de même que sur les surfaces imperméables en dehors des zones de peuplement, l'aménagement est restreint.

Politiques particulières concernant l'aménagement du territoire

Dans les zones centrales naturelles, aucune nouvelle exploitation d'agrégats minéraux n'est permise. Dans les liens physiques naturels et dans les zones de campagne, les nouvelles exploitations d'agrégats doivent satisfaire des normes d'examen et d'approbation très strictes. Les nouveaux projets récréatifs majeurs tels que les terrains de golf ne sont permis que dans les zones de campagne et doivent satisfaire des normes d'examen et d'approbation très strictes.

Les nouvelles voies ou installations de transport et de services publics dans les zones centrales naturelles et les liens physiques naturels ne sont permises que si l'on peut démontrer qu'elles sont essentielles et qu'il n'existe aucune autre solution réalisable. Elles doivent, elles aussi, satisfaire des normes d'examen et d'approbation très strictes.

Le sentier de la moraine d'Oak Ridges permettra l'accès et les déplacements récréatifs non motorisés sur toute la longueur de la moraine.

Limites

Le territoire de la moraine d'Oak Ridges désigné par la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* est illustré dans le Plan des limites du territoire de la moraine d'Oak Ridges (série de 18 pages) établi en vertu du Règlement de l'Ontario 01/02.

La Loi autorise le ministre, par règlement, à dresser le Plan de conservation de la moraine d'Oak Ridges qui s'applique à l'ensemble ou à une partie du territoire de la moraine d'Oak Ridges.

Les limites de la moraine d'Oak Ridges suivent généralement les limites initialement décrites dans les documents publiés par le gouvernement de l'Ontario en 1990 et 1991. Ces limites s'appuyaient sur un certain nombre de caractéristiques topographiques, géomorphologiques et géologiques, y compris le contour de 245 mètres (au-dessus du niveau de la mer) qui longe la limite sud de la moraine de la ville de Richmond Hill jusqu'à la limite est de la municipalité de Clarington.

Dans le Règlement de l'Ontario 01/02, les limites de la moraine d'Oak Ridges ont été définies avec plus de précision par l'Arpenteur général de l'Ontario à l'aide d'une méthode d'arpentage utilisant les coordonnées UTM (coordonnées de projection transversale universelle de Mercator). Le plan des limites du territoire de la moraine d'Oak Ridges fournit des données permettant à un arpenteur-géomètre agréé de l'Ontario d'établir, selon des instructions, les limites au sol pour l'Arpenteur général de l'Ontario.

La Plan s'applique au territoire de la moraine d'Oak Ridges représenté dans la carte des affectations du territoire du Plan de conservation de la moraine d'Oak Ridges. Toutefois, le Plan définit avec plus de précision la limite sud de ce territoire qui se trouve entre la rue Bathurst dans la ville de Richmond Hill et la limite est de la municipalité de Clarington, spécifiant qu'il s'agit des terres situées au nord du contour de 245 mètres arpenté et contenu à l'intérieur des limites de la région de la moraine d'Oak Ridges mentionnée plus haut.

Examens et modifications

Le Plan fera l'objet d'un examen tous les 10 ans afin de déterminer s'il doit être modifié.

Au cours d'un examen, le ministre doit consulter les ministères, organismes publics et municipalités concernés et inviter le public à participer à ce processus.

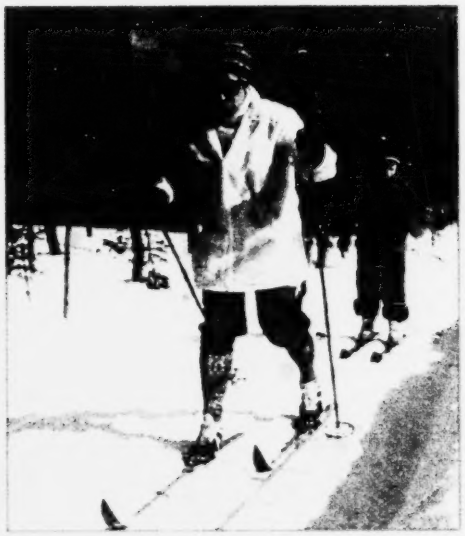
L'examen décennal ne peut pas envisager de réduire la superficie totale des zones centrales naturelles et des liens physiques naturels.

Comment lire ce Plan

Le Plan de conservation de la moraine d'Oak Ridges est compose des éléments suivants :

Partie 1, GÉNÉRALITÉS : Cette partie décrit l'application du Plan, ses utilisations actuelles, les utilisations qui étaient permises auparavant et les exceptions concernant l'approbation des plans d'implantation. Elle donne les définitions des termes d'aménagement ou des termes techniques employés dans le Plan.

Partie 2, AFFECTATIONS DU TERRITOIRE : Cette partie décrit le but, les objectifs, les utilisations permises pour chacune des quatre affectations du territoire de la moraine et les politiques relatives à la création de lots dans les zones de campagne.



Partie 3, PROTECTION DE L'INTÉGRITÉ ÉCOLOGIQUE ET HYDROLOGIQUE : Cette partie identifie les éléments naturels et hydrologiques ainsi que les formes du relief les plus importantes de la moraine. On y décrit également les restrictions et les exigences particulières relatives à la planification, à la conception et à l'aménagement qu'il faut respecter pour protéger l'intégrité de ces éléments.

Partie 4, POLITIQUES PARTICULIÈRES CONCERNANT L'AMÉNAGEMENT DU TERRITOIRE : Dans cette partie, on identifie les restrictions et les exigences particulières relatives à la planification, à la conception et à l'amenagement qui pourraient s'appliquer à des activités et des utilisations particulières. Cette partie renferme également les politiques relatives à la création de lots.

Partie 5, DISPOSITIONS DE LA LOI : Cette partie identifie les dispositions de la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* qui s'appliquent aux zones centrales naturelles, aux liens physiques naturels, aux zones de campagne et aux zones de peuplement aux fins de la transition, conformement aux dispositions du paragraphe 15(2) de la Loi.

Carte des affectations du territoire du Plan de conservation de la moraine d'Oak Ridges : cette carte montre les quatre affectations et les peuplements ruraux décrits à la partie 2.

Comment utiliser ce Plan

Pour connaître les répercussions de ce Plan sur un endroit particulier ou sur une affectation du territoire ou un projet d'aménagement proposé dans la moraine d'Oak Ridges, il faut lire ce Plan dans sa totalité comme suit :

1. Consultez la carte des affectations du territoire du Plan de conservation de la moraine d'Oak Ridges pour déterminer l'affectation qui s'applique à l'endroit.
2. Consultez la PARTIE 2 pour connaître les politiques concernant cette affectation et consultez la PARTIE 3 pour déterminer les restrictions ou les exigences dont il faut tenir compte pour protéger l'intégrité écologique et hydrologique de l'endroit.
3. Consultez la PARTIE 4 pour connaître les restrictions ou les exigences supplémentaires qui s'appliquent à l'activité ou à l'utilisation envisagée.
4. Consultez la PARTIE 5 pour déterminer les dispositions applicables conformément au paragraphe 15(2) de la Loi.
5. N'oubliez pas que la PARTIE 1 (GÉNÉRALITÉS) s'applique à toutes les propositions d'aménagement ou d'exploitation, y compris les propositions de modification du terrain.

Les personnes qui utilisent ce Plan doivent également consulter la municipalité concernée pour obtenir de l'information sur les politiques de son plan officiel et sur toute autre exigence qu'elle pourrait avoir. Ce Plan ne prétend pas remplacer les principes d'aménagement communautaire sur lesquels se fondent les plans officiels. Si toutefois le plan officiel et les exigences d'une municipalité entrent en conflit avec le Plan, les dispositions de la Loi et le Plan l'emportent.

Ontario Regulation 140/02
Made – April 19, 2002
Filed – April 22, 2002

Cette version du Plan de conservation de la moraine d'Oak Ridges n'est pas la version officielle. La version officielle est disponible dans le numéro du 11 mai 2002 de la Gazette de l'Ontario et auprès de Publications Ontario.

CONTENTS

PART I
GENERAL

1. Plan
2. Application
3. Definitions
4. Date of commencement of application
5. Prohibition
6. Existing uses, buildings and structures
7. Previously authorized single dwelling
8. Building or structure previously authorized or authorized under s. 17 (1) of Act
9. Exception, site plan approval

PART II
LAND USE DESIGNATIONS

10. Division of Plan Area, land use designations
11. Natural Core Areas
12. Natural Linkage Areas
13. Countryside Areas
14. Residential development in certain parts of Countryside Areas
15. New lots in Countryside Areas
16. Plans of subdivision, site plan approval and lot creation in Countryside Areas
17. Previously authorized uses, buildings and structures in Countryside Areas
18. Settlement Areas

PART III
PROTECTING ECOLOGICAL AND HYDROLOGICAL INTEGRITY

19. Purpose and application
20. Supporting connectivity
21. Minimum area of influence and minimum vegetation protection zone

Key Natural Heritage Features

22. Key natural heritage features
23. Natural heritage evaluation

Hydrological Features

24. Watershed plans
25. Water budgets and conservation plans
26. Hydrologically sensitive features
27. Subwatersheds
28. Wellhead protection areas
29. Areas of high aquifer vulnerability

Landform Conservation Areas

30. Landform conservation areas
    Table

PART IV
SPECIFIC LAND USE POLICIES

31. Application
32. Lot creation
33. Restriction re agricultural uses, mineral aggregate operations, wayside pits
34. Uses accessory to agricultural uses
35. Mineral aggregate operations and wayside pits
36. Comprehensive rehabilitation plans
37. Low-intensity recreational uses
38. Major recreational uses
39. Trail system
40. Small-scale commercial, industrial, and institutional uses
41. Transportation, infrastructure, and utilities
42. Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability
43. Sewage and water services
44. Partial services
45. Stormwater management
46. Stormwater management plans
47. Rapid infiltration basins and columns

PART V
PRESCRIBED PROVISIONS

48. Prescribed provisions, subsection 15 (2) of Act
49. Commencement

PART I • GENERAL

Plan

1. In this Regulation, "Plan" means the Oak Ridges Moraine Conservation Plan.

Application

2. (1) This Plan applies to the area shown as the Oak Ridges Moraine Conservation Plan Area on the map entitled "Oak Ridges Moraine Conservation Plan Land Use Designation Map", numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto.

(2) Copies of the land use designation map referred to in subsection (1) are available for public inspection,

(a) at the government information office located at the Macdonald Block at 900 Bay Street, Toronto; and

(b) at the Ministry of Natural Resources district offices located at,

(i) 50 Bloomington Road West, Aurora, and

(ii) 300 Water Street, Peterborough.

(3) The land use designation map referred to in subsection (1) is also posted on the internet at http://www.mah.gov.on.ca/oakridgesmoraine/land_use_full-e.asp.

(4) Despite subsection (1), along the part of the southern boundary of the Plan Area that lies between UTM T2034 and UTM T1266 as shown on the plan referred to in subsection 1 (1) of Ontario Regulation 01/02, land is in the Plan Area if,

(a) it is above the contour of elevation 245.00 Canadian Geodetic Vertical Datum 1928 (CGVD28); and

(b) it is within the Oak Ridges Moraine Area as designated by Ontario Regulation 01/02.

Definitions

3. (1) In this Plan.

"accessory use" means a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot;

"adverse effect" means any impairment, disruption, destruction or harmful alteration;

"adversely affect" means to have an adverse effect on;

"agricultural uses" means,

(a) growing crops, including nursery and horticultural crops,

(b) raising livestock and other animals, including poultry and fish, for food and fur,

(c) aquaculture, and

(d) agro-forestry and maple syrup production;

"agriculture-related uses" means commercial and industrial uses that are,

(a) small-scale,

(b) directly related to a farm operation, and

(c) required in close proximity to the farm operation;

"animal agriculture" means growing, producing and raising farm animals including, without limitation,

(a) livestock, including equines, poultry and ratites,

(b) fur-bearing animals,

(c) bees,

(d) cultured fish,

(e) deer and elk, and

(f) game animals and birds;

"aquifer vulnerability" means an aquifer's intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality;

"area of natural and scientific interest" (earth science) means an area that has been,

(a) identified as having earth science values related to protection, scientific study or education, and

(b) further identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended from time to time;

"area of natural and scientific interest" (life science) means an area that has been,

(a) identified as having life science values related to protection, scientific study or education, and

(b) further identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended from time to time;

"bed and breakfast establishment" means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is the principal residence of the proprietor of the establishment;

"connectivity" means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs;

"development" means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the *Planning Act*, the *Environmental Assessment Act*, or the *Drainage Act*, but does not include,

(a) the construction of facilities for transportation, infrastructure and utilities uses, as described in section 41, by a public body, or

(b) for greater certainty,

(i) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or

(ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

"dwelling unit" means one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants;

"earth science values" means values that relate to the geological, soil and landform features of the environment;

"ecological features" means naturally occurring land, water and biotic features that contribute to ecological integrity;

"ecological functions" means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions;

"ecological integrity", which includes hydrological integrity, means the condition of ecosystems in which,

(a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity,

(b) natural ecological processes are intact and self-sustaining, and

(c) the ecosystems evolve naturally;

"endangered species" means any native species, as listed in the regulations under the *Endangered Species Act*, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed;

"farm vacation home" means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the

exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment;

"fish habitat" means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada);

"forest access road" means a one or two-lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes;

"forest management" means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

(a) for the production of wood and wood products, including maple syrup,

(b) to provide outdoor recreation opportunities,

(c) to maintain, and where possible improve or restore, conditions for wildlife, and

(d) to protect water supplies;

"groundwater recharge" means the replenishment of subsurface water,

(a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands, and

(b) resulting from human intervention, such as the use of stormwater management systems;

"habitat of endangered, rare and threatened species" means land that,

(a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their popula-

tion, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and

(b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

"hazardous waste" has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

"home business" means an occupation that,

(a) involves providing personal or professional services or producing custom or artisanal products,

(b) is carried on as a small-scale accessory use within a single dwelling by one or more of its residents, and

(c) does not include uses such as an auto repair or paint shop or furniture stripping;

"home industry" means a business that,

(a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation,

(b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community,

(c) may be carried on in whole or in part in an accessory building, and

(d) does not include uses such as an auto repair or paint shop or furniture stripping;

"hydrological cycle" means the circulation of water from the atmosphere to the earth and back through precipitation, runoff, infiltration, groundwater flow and evapotranspiration, including the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things;

"hydrological features" means,

(a) permanent and intermittent streams,

(b) wetlands,

(c) kettle lakes and their surface catchment areas,

(d) seepage areas and springs, and

(e) aquifers and recharge areas;

"hydrological functions" means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things;

"hydrological integrity" means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity;

"hydrologically sensitive feature" means a hydrologically sensitive feature as described in section 26;

"impervious surface" means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot;

"kame" means a mound, hummock or conical hill of glacial origin;

"kettle lake" means a depression formed by glacial action and permanently filled with water;

"key natural heritage feature" means a key natural heritage feature as described in section 22;

"landform features" means distinctive physical attributes of land such as slope, shape, elevation and relief;

"landform conservation area" means a landform conservation area as described in section 30;

"life science values" means values that relate to the living component of the environment;

"liquid industrial waste" has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

"lot" means a parcel of land that is,

(a) described in a deed or other document legally capable of conveying an interest in the land, or

(b) shown as a lot or block on a registered plan of subdivision;

"major development" means development consisting of,

(a) the creation of four or more lots,

(b) the construction of a building or buildings with a ground floor area of 500 m or more, or

(c) the establishment of a major recreational use as described in section 38;

"meander belt" means the land across which a stream shifts its channel from time to time;

"mineral aggregate" means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act*, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act;

"mineral aggregate operation" means,

(a) an operation, other than a wayside pit, conducted under a licence or permit under the *Aggregate Resources Act*, and

(b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products;

"natural self-sustaining vegetation" means self-sustaining vegetation dominated by native plant species;

"net developable area" means the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature;

"Oak Ridges Moraine Conservation Plan Area" and "Plan Area" mean the areas described in section 2;

"partial service" means connections linking a building to,

(a) a communal sewage or water service or a full municipal sewage or water service, and

(b) an individual on-site sewage or water system;

"portable asphalt plant" means a temporary facility, to be dismantled at the completion of a construction project, where,

(a) equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material, and

(b) bulk materials used in the process described in clause (a) are kept;

"prime agricultural area" means an area that is,

(a) designated as prime agricultural land in the relevant official plan, or

(b) identified through an alternative agricultural land evaluation system approved by the Government of Ontario;

"prime agricultural land" means,

(a) land where fruit and vegetable crops and greenhouse crops are grown,

(b) agriculturally developed organic soil land, or

(c) land with Class 1, 2 or 3 soils according to the Canada Land Inventory;

"rare species" means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases in certain types of human activity;

"retirement home" means a building in which,

(a) accommodation is provided, mainly for retired persons,

(b) common kitchen and dining facilities are provided for the residents, and

(c) common lounges, recreation rooms and health care facilities may also be provided for the residents;

"sand barrens" means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that,

(a) has sparse or patchy vegetation that is dominated by plants that are,

(i) adapted to severe drought and low nutrient levels, and

(ii) maintained by severe environmental limitations such as drought, low nutrient levels and periodic disturbances such as fire,

(b) has less than 25 per cent tree cover,

(c) has sandy soils (other than shorelines) exposed by natural erosion, depositional process or both, and

(d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

"saturated zone" means the zone below the water table where the spaces between soil grains are filled with water;

"savannah" means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that,

(a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both,

(b) has from 25 per cent to 60 per cent tree cover,

(c) has mineral soils, and

(d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

"self-sustaining vegetation" means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending;

"significant" means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time;

"single dwelling" means a building containing only one dwelling unit;

"site" means the land subject to an application;

"site alteration" means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include,

(a) the construction of facilities for transportation, infrastructure and utilities uses, as described in section 41, by a public body, or

(b) for greater certainty,

(i) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or

(ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

"subwatershed" means an area that is drained by a tributary or some defined portion of a stream;

"surface catchment area" means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland;

"sustainable", when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected;

"tallgrass prairie" means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that,

(a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both,

(b) has less than 25 per cent tree cover,

(c) has mineral soils, and

(d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

"threatened species" means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

"time of travel" means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone;

"unserviced park" means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, accessory commercial facilities, paved parking lots or permanent water or sewer facilities;

"valleyland" means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

"watershed" means an area that is drained by a river and its tributaries;

"wayside pit" means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right of way;

"wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field;

"wetland" means land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that,

(a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface,

(b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants, and

(c) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

"wildlife habitat" means land that,

(a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and

(b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

"woodland" means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees;

"zone of contribution", when used in reference to a period of time, means the area within which the water pumped from a well originates during that time.

(2) Maps illustrating locations of key natural heritage features and areas of natural and scientific interest (earth science) may be made available by the Ministry of Natural Resources.

Date of commencement of application

4. (1) For the purposes of this Plan, an application shall be deemed to have been commenced on the day set out in the relevant clause of subsection 15 (4) of the Act.

(2) In this Plan,

"application" includes a matter, proceeding or request.

Prohibition

5. No person shall, except as permitted by this Plan,

(a) use land or any part of it;

(b) undertake development or site alteration with respect to land; or

(c) erect, move, alter or use a building or structure or any part of it.

Existing uses, buildings and structures

6. (1) Nothing in this Plan applies to prevent,

(a) the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose; or

(b) the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8 (2) of the *Building Code Act, 1992* on or before November 15, 2001 if,

(i) the permit has not been revoked under subsection 8 (10) of the *Building Code Act, 1992*, and

(ii) the building or structure when erected is used and continues to be used for the purpose for which it was erected.

(2) Nothing in this Plan applies to prevent the expansion of an existing building or structure on the same lot, if the applicant demonstrates that,

(a) there will be no change in use; and

(b) the expansion will not adversely affect the ecological integrity of the Plan Area.

(3) Despite subsection (2), an existing mineral aggregate operation or an existing wayside pit within a Natural Core Area may not be expanded beyond the boundary of the area under licence or permit.

(4) Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,

(a) there will be no change in use; and

(b) the expansion will not adversely affect the ecological integrity of the Plan Area.

(5) Nothing in this Plan applies to prevent the reconstruction, within the same location and dimensions, of an existing building or structure that is damaged or destroyed by causes beyond the owner's control, and the reconstructed building or structure shall be deemed to be an existing building or structure if there is no change in use and no intensification of the use.

(6) Nothing in this Plan applies to prevent the conversion of an existing use to a similar use, if the applicant demonstrates that the conversion,

(a) will bring the use into closer conformity with this Plan; and

(b) will not adversely affect the ecological integrity of the Plan Area.

(7) If an existing use has adverse effects on the ecological integrity of the Plan Area, any application to expand the building, structure or use or to convert the existing use to a similar use shall be considered with the objective of bringing the use into closer conformity with this Plan.

(8) In this section,

"existing" means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that is in existence on that date without being lawful;

"institutional use" includes, without limitation, a long-term care facility, hospital, school, university or college.

Previously authorized single dwelling

7. Nothing in this Plan applies to prevent the use, erection or location of a single dwelling if,

(a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001; and

(b) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Plan Area.

Building or structure previously authorized or authorized under s. 17 (1) of Act

8. Nothing in this Plan applies to prevent the use, erection or location of a building or structure if,

(a) the use, erection and location were authorized by the approval of an application that was commenced before November 17, 2001 and approved after that date; or

(b) the use, erection and location were authorized by the approval of an application that was commenced after November 17, 2001 and decided in accordance with subsection 17 (1) of the Act.

Exception, site plan approval

9. An application for site plan approval under section 41 of the *Planning Act* is not required to comply with this Plan if it relates to land in respect of which any of the following was commenced before November 17, 2001 and approved after that date:

1. An application for an amendment to a zoning by-law.

2. An application for approval of a plan of subdivision under section 51 of the *Planning Act*.

3. An application for approval or exemption from approval for a plan of condominium under section 9 of the *Condominium Act, 1998*.

PART II • LAND USE DESIGNATIONS

Division of Plan Area, land use designations

10. (1) The Oak Ridges Moraine Conservation Plan Area is divided into areas subject to the following land use designations, as shown on the land use designation map referred to in section 2:

1. Natural Core Areas, which are areas with a high concentration of key natural heritage features, hydrologically sensitive features or landform conservation areas.

2. Natural Linkage Areas, which are areas forming part of a central corridor system that support or have the potential to support movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors.

3. Countryside Areas, which are areas of rural land use such as agriculture, recreation, residential development, Rural Settlements, mineral aggregate operations, parks and open space. Rural Settlements, which form part of Countryside Areas and are existing hamlets or similar existing small communities, generally long-established and identified in official plans, are also shown on the land use designation map referred to in section 2.

4. Settlement Areas, which are areas designated for development of an urban type permitting a range of residential, commercial, industrial and institutional uses.

(2) When official plans and zoning by-laws are amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, the boundaries of the Natural Core Areas, Natural Linkage Areas, Countryside Areas, Rural Settlements and Settlement Areas may be further defined, in a manner that is consistent with the land use designation map referred to in section 2, but with greater precision than the map can show, and subject to subsection (4).

(3) The further definition of boundaries described in subsection (2) does not require an amendment to this Plan.

(4) The outer boundary of the Plan Area shall not be further defined under subsection (2).

Natural Core Areas

11. (1) The purpose of Natural Core Areas is to maintain and where possible improve or restore the ecological integrity of the Plan Area, by,

(a) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions;

(b) maintaining or restoring natural self-sustaining vegetation and wildlife habitat;

(c) maintaining the quantity and quality of groundwater and surface water;

(d) maintaining groundwater recharge;

(e) maintaining natural stream form and flow characteristics; and

(f) protecting landform features.

(2) Natural Core Areas also have the objectives of,

(a) accommodating a trail system through the Plan Area and trail connections to it; and

(b) providing for limited economic development that is compatible with clause (a) and subsection (1).

(3) The following uses are permitted with respect to land in Natural Core Areas, subject to Parts III and IV:

1. Fish, wildlife and forest management.
2. Conservation projects and flood and erosion control projects.
3. Agricultural uses.
4. Transportation, infrastructure, and utilities as described in section 41, but only if the need for the project has been demonstrated and there is no reasonable alternative.
5. Home businesses.
6. Home industries.
7. Bed and breakfast establishments.

8. Farm vacation homes.

9. Low-intensity recreational uses as described in section 37.

10. Unserviced parks.

11. Uses accessory to the uses set out in paragraphs 1 to 10.

Natural Linkage Areas

12. (1) The purpose of Natural Linkage Areas is to maintain, and where possible improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors, by,

(a) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key heritage features, hydrologically sensitive features and the related ecological functions;

(b) maintaining, and where possible improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals;

(c) maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area;

(d) maintaining the quantity and quality of groundwater and surface water;

(e) maintaining groundwater recharge;

(f) maintaining natural stream form and flow characteristics; and

(g) protecting landform features.

(2) Natural Linkage Areas also have the objectives of,

(a) accommodating a trail system through the Plan Area and trail connections to it; and

(b) providing for limited economic development that is compatible with clause (a) and subsection (1).

(3) The following uses are permitted with respect to land in Natural Linkage Areas, subject to Parts III and IV:

1. Fish, wildlife and forest management.
2. Conservation projects and flood and erosion control projects.
3. Agricultural uses.
4. Transportation, infrastructure, and utilities as described in section 41, but only if the need for the project has been demonstrated and there is no reasonable alternative.
5. Home businesses.
6. Home industries.
7. Bed and breakfast establishments.
8. Farm vacation homes.
9. Low-intensity recreational uses as described in section 37.
10. Unserviced parks.
11. Mineral aggregate operations.
12. Wayside pits.
13. Uses accessory to the uses set out in paragraphs 1 to 12.

Countryside Areas

13. (1) The purpose of Countryside Areas is to encourage agricultural and other rural uses that support the Plan's objectives, by,

(a) protecting prime agricultural areas;

(b) providing for the continuation of agricultural and other rural land uses and normal farm practices; and

(c) maintaining the rural character of the Rural Settlements.

(2) Countryside Areas also have the objectives of,

(a) maintaining, and where possible improving or restoring, the ecological integrity of the Plan Area;

(b) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions;

(c) maintaining the quantity and quality of groundwater and surface water;

(d) maintaining groundwater recharge;

(e) maintaining natural stream form and flow characteristics;

(f) protecting landform features;

(g) accommodating a trail system through the Plan Area and trail connections to it; and

(h) providing for economic development that is compatible with subsection (1) and with clauses (a) to (g).

(3) The following uses are permitted with respect to land in Countryside Areas, subject to Parts III and IV:

1. Fish, wildlife and forest management.
2. Conservation projects and flood and erosion control projects.
3. Agricultural uses.
4. Transportation, infrastructure, and utilities as described in section 41.
5. Home businesses.
6. Home industries.
7. Bed and breakfast establishments.
8. Farm vacation homes.
9. Low-intensity recreational uses as described in section 37.
10. Unserviced parks.
11. Mineral aggregate operations.
12. Wayside pits.
13. Agriculture-related uses.

14. Small-scale commercial, industrial, and institutional uses as described in section 40, subject to subsection (5).

15. Major recreational uses as described in section 38, subject to subsection (5).

16. Residential development in accordance with section 14.

17. Uses accessory to the uses set out in paragraphs 1 to 16.

(4) With respect to land in a Rural Settlement, the following uses are permitted, subject to Parts III and IV, in addition to the uses listed in subsection (3):

1. Residential development in accordance with paragraphs 3 and 4 of subsection 15 (1).

2. Small-scale commercial, industrial, and institutional uses as described in section 40, but not subject to clauses (1) (a), (1) (c) or (2) (a) of that section.

(5) The uses described in paragraphs 14 and 15 of subsection (3) are prohibited in,

(a) prime agricultural areas; and

(b) areas designated primarily for agricultural uses in the applicable official plan.

Residential development in certain parts of Countryside Areas

14. (1) Residential development is permitted with respect to land in the Palgrave Estates Residential Community as shown on the land use designation map referred to in section 2, subject to the Town of Caledon Official Plan, as amended from time to time, and to the following provisions of this Plan:

1. Sections 20 to 26.

2. Subsection 27 (3).

3. Sections 28 and 29.

4. Subsections 30 (1), (12) and (13).

5. Subsections 41 (1), (4) and (5).

6. Sections 42 to 47.

7. The Table to Part III.

(2) Residential development is permitted with respect to land in the City of Kawartha Lakes, the County of Peterborough and the County of Northumberland, except in,

(a) prime agricultural areas; and

(b) areas designated primarily for agricultural uses in the applicable official plan.

(3) With respect to land in the City of Kawartha Lakes, the County of Peterborough and the County of Northumberland, an application for residential development shall not be approved unless,

(a) on or before October 22, 2003 or the later date on which the relevant municipality adopts an official plan amendment that is subject to a declaration made by the Minister under subsection 9 (10) of the Act,

(i) the relevant municipality has completed a comprehensive growth management study, including a rural economic development strategy, that demonstrates the need for residential development, and

(ii) the relevant municipality's official plan conforms with this Plan and includes specific detailed policies governing residential development; and

(b) the relevant municipality has completed a water budget and water conservation plan in accordance with section 25 that demonstrates the availability of sufficient water resources to support residential development.

(4) The policies referred to in subclause (3) (a) (ii) may,

(a) further limit the areas within which residential development is permitted; and

(b) limit the extent of this type of development.

(5) The policies referred to in subclause (3) (a) (ii) shall establish strict planning, design and construction standards so as to,

(a) encourage clustering or other innovative design;

(b) require that disturbance to the natural landscape and environment be minimized; and

(c) maintain, and where possible improve or restore, the ecological integrity of the Plan Area.

New lots in Countryside Areas

15. (1) New lots may be created in Countryside Areas for the following purposes only, and subject to Parts III and IV:

1. The purposes specified in section 32 (lot creation).
2. Residential development permitted under section 14.
3. Minor infill within Rural Settlements.
4. Minor rounding-out of Rural Settlements designated in the applicable official plan as appropriate for this type of lot creation.

(2) A lot created in accordance with paragraph 4 of subsection (1) may encroach into a Settlement Area, but not into a Natural Core Area or Natural Linkage Area.

Plans of subdivision, site plan approval and lot creation in Countryside Areas

16. (1) Plans of subdivision with respect to land in Countryside Areas shall,

(a) provide for large, continuous open space blocks linking key natural heritage features and hydrologically sensitive features, to ensure connectivity; and

(b) design lots and roads so as to minimize stream crossings and extensions into key natural heritage features.

(2) With respect to land in Countryside Areas, the approval authority shall ensure that a condition requiring the applicant to ensure that natural self-sustaining vegetation is maintained or restored for the long-term protection of any key natural heritage feature or hydrologically sensitive feature on the lot or lots created is imposed,

(a) on every subdivision and site plan approval; and

(b) on every consent to the creation of a lot under section 15 or subsection 32 (1).

Previously authorized uses, buildings and structures in Countryside Areas

17. (1) Nothing in this Plan applies to prevent a use or the erection or location of a building or structure with respect to land in a Countryside Area if,

(a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;

(b) the use, erection and location are permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although they do not comply with the provisions listed in subsections 19 (2) and 31 (3);

(c) in the case of major development, the applicant complies with clause 43 (1) (b); and

(d) the application conforms to sections 20, 22, 23, 26, 28 and 29, subsections 45 (7) and (8) and section 47.

(2) Subsection (1) does not apply with respect to land within a Rural Settlement.

(3) Nothing in this Plan applies to prevent a use or the erection or location of a building or structure within a Rural Settlement if,

(a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;

(b) the use, erection and location are permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although they do not comply with the provisions listed in subsections 19 (2) and 31 (3);

(c) the application conforms to sections 28 and 29, subsections 45 (7) and (8) and section 47; and

(d) the applicant demonstrates, to the extent possible, that the use, erection or location will not adversely affect the ecological integrity of the Plan Area.

Settlement Areas

18. (1) The purpose of Settlement Areas is to focus and contain urban growth by,

(a) minimizing the encroachment and impact of development on the ecological functions and hydrological features of the Plan Area;

(b) promoting the efficient use of land with transit-supportive densities, through intensification and redevelopment within existing urban areas; and

(c) providing for the continuation and development of urban land uses consistent with the growth management strategies identified in the applicable official plans.

(2) Settlement Areas also have the objectives of,

(a) maintaining, and where possible improving or restoring, the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions;

(b) accommodating a trail system through the Plan Area and trail connections to it;

(c) promoting strong communities, a strong economy and a healthy environment; and

(d) providing for economic development that is compatible with subsection (1) and clauses (a), (b) and (c).

(3) With respect to land in Settlement Areas, all uses permitted by the applicable official plan are permitted, subject to the provisions of this Plan that are listed in subsections 19 (3) and 31 (4).

(4) New lots may be created in Settlement Areas, subject to the provisions of this Plan that are listed in subsections 19 (3) and 31 (4).

(5) With respect to land in a Settlement Area that does not include a key natural heritage feature or a hydrologically sensitive feature, an application for site plan approval under section 41 of the *Planning Act* is not required to comply with any provision of this Plan except this subsection.

(6) With respect to land in a Settlement Area, nothing in this Plan applies to prevent a use or the erection or location of a building or structure if,

(a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;

(b) the use is permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although the erection and location do not comply with the provisions listed in subsections 19 (3) and 31 (4);

(c) the use, erection and location conform to sections 28 and 29, subsections 45 (7) and (8) and section 47; and

(d) the applicant demonstrates, to the extent possible, that the use, erection or location will not adversely affect the ecological integrity of the Plan Area.

PART III • PROTECTING ECOLOGICAL AND HYDROLOGICAL INTEGRITY

Purpose and application

19. (1) The purpose of this Part is the integration of environmental and land use planning in order to maintain, and where possible improve or restore, the ecological integrity of the Plan Area.

(2) Sections 20 to 26, subsections 27 (1) and (2), sections 28 and 29, subsections 30 (1) to (12) and the Table to this Part apply with respect to land in the Natural Core Areas, Natural Linkage Areas and Countryside Areas.

(3) The following provisions apply with respect to land in the Settlement Areas:

1. Sections 21 to 26.
2. Subsection 27 (3).
3. Sections 28 and 29.
4. Subsections 30 (1), (12) and (13).
5. The Table to this Part.

Supporting connectivity

20. Every application for development or site alteration shall identify planning, design and construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent land within Natural Core Areas and Natural Linkage Areas.

Minimum area of influence and minimum vegetation protection zone

21. (1) For the purposes of this Part,

(a) the minimum area of influence that relates to a key natural heritage feature or hydrologically sensitive feature described in Column 2 of the Table to this Part is the area referred to in the corresponding item in Column 3 of the Table; and

(b) the minimum vegetation protection zone that relates to a key natural heritage feature or hydrologically sensitive feature described in Column 2 of the Table is the area determined in accordance with the corresponding item in Column 4 of the Table.

(2) If land falls within more than one item in Column 1 of the Table, the provisions that are more restrictive apply.

(3) With respect to land that is in a Settlement Area on April 22, 2002, any provision referred to in subsection (4) prevails, to the extent of any conflict, over clause (1) (b) and subsection (2).

(4) Subsection (3) applies with respect to a provision of the applicable official plan or zoning by-laws, as the case may be, that is adopted on the basis of,

(a) environmental studies; or

(b) infrastructure planning including, without limitation, environmental assessments, infrastructure servicing studies and master environmental servicing studies.

Key Natural Heritage Features

Key natural heritage features

22. (1) The following are key natural heritage features:

1. Wetlands.
2. Significant portions of the habitat of endangered, rare and threatened species.
3. Fish habitat.
4. Areas of natural and scientific interest (life science).
5. Significant valleylands.
6. Significant woodlands.
7. Significant wildlife habitat.
8. Sand barrens, savannahs and tallgrass prairies.

(2) All development and site alteration with respect to land within a key natural heritage feature or the related minimum vegetation protection zone is prohibited, except the following:

1. Forest, fish, and wildlife management.

2. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered.

3. Transportation, infrastructure, and utilities as described in section 41, but only if the need for the project has been demonstrated and there is no reasonable alternative.

4. Low-intensity recreational uses as described in section 37.

(3) An application for development or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature, but outside the key natural heritage feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation under section 23.

Natural heritage evaluation

23. (1) A natural heritage evaluation shall,

(a) demonstrate that the development or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;

(b) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage feature and its connectivity with other key natural heritage features;

(c) in the case of an application relating to land in a Natural Core Area, Natural Linkage Area or Countryside Area, demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;

(d) if the Table to this Part specifies the dimensions of a minimum vegetation protection zone, determine whether it is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;

(e) if the Table to this Part does not specify the dimensions of a minimum vegetation protection zone, determine whether one is required, and if one is required, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it; and

(f) in the case of a key natural heritage feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).

(2) In the case of item 4 of the Table to this Part, the basis on which the determination and specification mentioned in clause (1) (e) is done shall include, without limitation, an analysis of land use, soil type, slope class and vegetation type, using criteria established by the Government of Ontario, as amended from time to time.

Hydrological Features

Watershed plans

24. (1) Every upper-tier municipality and single-tier municipality shall, on or before April 22, 2003, begin preparing a watershed plan, in accordance with subsection (3), for every watershed whose streams originate within the municipality's area of jurisdiction.

(2) The objectives and requirements of each watershed plan shall be incorporated into the municipality's official plan.

(3) A watershed plan shall include, as a minimum,

(a) a water budget and conservation plan as set out in section 25;

(b) land and water use and management strategies;

(c) a framework for implementation, which may include more detailed implementation plans for smaller geographic areas, such as subwatershed plans, or for specific subject matter, such as environmental management plans;

(d) an environmental monitoring plan;

(e) provisions requiring the use of environmental management practices and programs, such as programs to prevent pollution, reduce the use of pesticides and manage the use of road salt; and

(f) criteria for evaluating the protection of water quality and quantity, hydrological features and hydrological functions.

(4) Major development is prohibited unless,

(a) the watershed plan for the relevant watershed, prepared in accordance with subsection (3), has been completed;

(b) the major development conforms with the watershed plan; and

(c) a water budget and conservation plan, prepared in accordance with section 25 and demonstrating that the water supply required for the major development is sustainable, has been completed.

(5) Subsection (4) applies to every application commenced on or after April 23, 2007.

(6) Subsection (8) applies to every application commenced before the date mentioned in subsection (5), except an application described in subsection (7).

(7) Clause (4) (c) applies to every application that is commenced on or after April 22, 2004 and relates to the part of The Regional Municipality of York that is served by the Yonge Street Aquifer.

(8) An application for major development to which this subsection applies shall not be approved unless,

(a) the relevant municipality has complied with clause (4) (c); or

(b) the applicant,

(i) identifies any hydrologically sensitive features and related hydrological functions on the site and how they will be protected,

(ii) demonstrates that an adequate water supply is available for the development without compromising the ecological integrity of the Plan Area, and

(iii) provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that,

(A) characterizes groundwater and surface water flow systems by means of modelling,

(B) identifies the availability, quantity and quality of water sources, and

(C) identifies water conservation measures.

Water budgets and conservation plans

25. (1) Every upper-tier municipality and single-tier municipality shall, on or before April 22, 2003, begin preparing a water budget and conservation plan, in accordance with subsection (2), for every watershed whose streams originate within the municipality's area of jurisdiction.

(2) A water budget and conservation plan shall, as a minimum,

(a) quantify the components of the water balance equation, including precipitation, evapotranspiration, groundwater inflow and outflow, surface water outflow, change in storage, water withdrawals and water returns;

(b) characterize groundwater and surface water flow systems by means of modelling;

(c) identify,

(i) targets to meet the water needs of the affected ecosystems,

(ii) the availability, quantity and quality of water sources, and

(iii) goals for public education and for water conservation;

(d) develop a water-use profile and forecast;

(e) evaluate plans for water facilities such as pumping stations and reservoirs;

(f) identify and evaluate,

(i) water conservation measures such as public education, improved management practices, the use of flow-restricting devices and other hardware, water reuse and recycling, and practices and technologies associated with water reuse and recycling,

(ii) water conservation incentives such as full cost pricing, and

(iii) ways of promoting water conservation measures and water conservation incentives;

(g) analyse the costs and benefits of the matters described in clause (f);

(h) require the use of specified water conservation measures and incentives;

(i) contain an implementation plan for those specified measures and incentives that reconciles the demand for water with the water supply;

(j) provide for monitoring of the water budget and water conservation plan for effectiveness.

Hydrologically sensitive features

26. (1) The following are hydrologically sensitive features:

1. Permanent and intermittent streams.
2. Wetlands.
3. Kettle lakes.
4. Seepage areas and springs.

(2) All development and site alteration with respect to land within a hydrologically sensitive feature or the related minimum vegetation protection zone is prohibited, except the following:

1. Forest, fish, and wildlife management.
2. Conservation and flood or erosion control projects, but only if they are determined to be necessary in the public interest after all alternatives have been considered.
3. Transportation, infrastructure, and utilities as described in section 41, but only if the need for the project has been demonstrated and there is no reasonable alternative.
4. Low-intensity recreational uses as described in section 37.

(3) An application for development or site alteration with respect to land within the minimum area of influence that relates to a hydrologically sensitive feature, but outside the hydrologically sensitive feature itself and the related minimum vegetation protection zone, shall be accompanied by a hydrological evaluation under subsection (4).

(4) A hydrological evaluation shall,

(a) demonstrate that the development or site alteration will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions;

(b) identify planning, design and construction practices that will maintain, and where possible improve or restore, the health, diversity and size of the hydrologically sensitive feature; and

(c) determine whether the minimum vegetation protection zone whose dimensions are specified in the Table to this Part is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

(5) In the case of items 11 and 12 of the Table to this Part, the basis on which the determination and specification mentioned in clause (4) (c) is done shall include, without limitation, an

analysis of land use, soil type and slope class, using criteria established by the Government of Ontario, as amended from time to time.

Subwatersheds

27. (1) Except with respect to land in Settlement Areas, all development and site alteration with respect to land in a subwatershed are prohibited if they would cause the total percentage of the area of the subwatershed that has impervious surfaces to exceed,

(a) 10 per cent; or

(b) any lower percentage specified in the applicable watershed plan.

(2) Except with respect to land in Settlement Areas, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall take into account the desirability of ensuring that at least 30 per cent of the area of the subwatershed has self-sustaining vegetation.

(3) With respect to land in Settlement Areas, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall consider the importance of,

(a) ensuring that natural vegetation is maintained, and where possible improved or restored; and

(b) keeping to a minimum impervious surfaces and their impact on water quality and quantity.

Wellhead protection areas

28. (1) Despite anything else in this Plan except subsection 6 (1) and subsection (3) of this section, the following uses are prohibited with respect to land in wellhead protection areas established under section 42:

1. Storage, except by an individual for personal or family use, of,

   i. petroleum fuels,

   ii. petroleum solvents and chlorinated solvents,

   iii. pesticides, herbicides and fungicides,

iv. construction equipment,

v. inorganic fertilizers,

vi. road salt, and

vii. contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

2. Generation and storage of hazardous waste or liquid industrial waste.

3. Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.

(2) Despite anything else in this Plan except subsection 6 (1) and subsection (3) of this section, the following uses are prohibited with respect to land in the zero to two year time of travel zone within every wellhead protection area established under section 42:

1. Storage of animal manure, except by an individual for personal or family use.

2. Animal agriculture, except by an individual for personal or family use.

3. Storage of agricultural equipment, except by an individual for personal or family use.

(3) Subsections (1) and (2) do not apply to an area in respect of which wellhead protection policies established under clause 42 (1) (b) have been incorporated into the relevant official plan.

(4) Every person who carries on a use listed in subsection (1) or (2), as owner or operator, shall prepare and maintain a site management and contingency plan that is aimed at reducing or eliminating the creation of materials referred to in subsection (1) or (2), as the case may be, and their release into the environment.

Areas of high aquifer vulnerability

29. (1) Despite anything else in this Plan except subsection 6 (1), the uses listed in subsection (5) are prohibited with respect to land in areas of high aquifer vulnerability, as shown on the map entitled "Reference Map for Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under the *Oak Ridges*

Moraine Conservation Act, 2001" dated March, 2002, on file in the offices of the Ministry of Environment and Energy at Toronto.

(2) Copies of the map referred to in subsection (1) are available for public inspection,

(a) at the government information office located at the Macdonald Block at 900 Bay Street, Toronto; and

(b) at the Ministry of Natural Resources district offices located at,

(i) 50 Bloomington Road West, Aurora, and

(ii) 300 Water Street, Peterborough.

(3) The boundaries of the areas of high aquifer vulnerability may be further defined in official plans, in a manner that is consistent with the map referred to in subsection (1), but with greater precision than the map can show.

(4) The further definition of boundaries described in subsection (3) does not require an amendment to this Plan.

(5) Subsection (1) applies to the following uses:

1. Generation and storage of hazardous waste or liquid industrial waste.

2. Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.

3. Underground and above-ground storage tanks that are not equipped with an approved secondary containment device.

4. Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

Landform Conservation Areas

Landform conservation areas

30. (1) The following, shown on maps entitled "Landform Conservation Areas of the Oak Ridges Moraine", numbered 1, 2, 3 and 4, dated March, 2002 and on file at the district office of the

Ministry of Natural Resources at 50 Bloomington Road West, Aurora, are landform conservation areas:

1. Landform conservation areas (Category 1).

2. Landform conservation areas (Category 2).

(2) Copies of the maps referred to in subsection (1) are available for public inspection,

(a) at the government information office located at the Macdonald Block at 900 Bay Street, Toronto; and

(b) at the Ministry of Natural Resources district offices located at,

(i) 50 Bloomington Road West, Aurora, and

(ii) 300 Water Street, Peterborough.

(3) When official plans and zoning by-laws are amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, the boundaries of the landform conservation areas may be further defined, in a manner that is consistent with the maps referred to in subsection (1), but with greater precision than the maps can show.

(4) The further definition of boundaries described in subsection (3) does not require an amendment to this Plan.

(5) An application for development or site alteration with respect to land in a landform conservation area (Category 1) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,

(a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;

(b) limiting the portion of the net developable area of the site that is disturbed to not more than 25 per cent of the total area of the site; and

(c) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 15 per cent of the total area of the site.

(6) An application for development or site alteration with respect to land in a landform conservation area (Category 2) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,

(a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;

(b) limiting the portion of the net developable area of the site that is disturbed to not more than 50 per cent of the total area of the site; and

(c) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.

(7) Subsections (5) and (6) do not apply in respect of mineral aggregate operations.

(8) An application for major development with respect to land in a landform conservation area of either category shall be accompanied by a landform conservation plan that shows, on one or more maps,

(a) elevation contours in sufficient detail to show the basic topographic character of the site, with an interval of not more than two metres;

(b) analysis of the site by slope type (for example, moderate or steep);

(c) significant landform features such as kames, kettles, ravines and ridges; and

(d) all water bodies including intermittent streams and ponds.

(9) The landform conservation plan shall also include a development strategy that identifies appropriate planning, design and construction practices to minimize disruption to landform character, including,

(a) retention of significant landform features in an open, undisturbed form;

(b) road alignment and building placement to minimize grading requirements;

(c) concentration of development on portions of the site that are not significant;

(d) use of innovative building design to minimize grading requirements; and

(e) use of selective grading techniques.

(10) An application for development or site alteration that does not constitute major development, with respect to land in a landform conservation area of either category, shall be accompanied by a site plan that,

(a) identifies the areas within which all building, grading, and related construction will occur;

(b) demonstrates that buildings and structures will be located within the areas referred to in clause (a) so as to minimize the amount of site alteration required; and

(c) provides for the protection of areas of natural and scientific interest (earth science) in accordance with subsection (12).

(11) Subsection (10) does not apply in respect of mineral aggregate operations.

(12) An application for development or site alteration with respect to land in an area of natural and scientific interest (earth science) or the related minimum area of influence shall be accompanied by an earth science heritage evaluation that,

(a) identifies planning, design and construction practices that will ensure protection of the geological or geomorphological attributes for which the area of natural and scientific interest was identified; and

(b) determines whether a minimum vegetation protection zone is required, and if so, specifies the dimensions of that zone and provides for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

(13) With respect to land in Settlement Areas, in considering applications for development or site alteration within landform conservation areas (Category 1 and 2) the approval authority shall consider the importance of adopting planning, design and construction practices that will keep disturbance to landform character to a minimum, so as to satisfy the requirements of subsections (5) to (11) if possible.

Table

Key Natural Heritage Features, Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones

Column 1	Column 2	Column 3	Column 4
Item	Feature	Minimum Area of Influence (21)	Minimum Vegetation Protection Zone (21, 23, 26 (4), 30 (12))
1.	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (d) if a natural heritage evaluation is required
2.	Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
3.	Fish habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required
4.	Areas of natural and scientific interest (life science)	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
5.	Areas of natural and scientific interest (earth science)	All land within 50 metres of any part of feature	As determined by an earth science heritage evaluation carried out under subsection 30 (12)
6.	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to clause 23 (1) (d) if a natural heritage evaluation is required
7.	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the base of outermost tree trunks within the woodland, subject to clause 23 (1) (d) if a natural heritage evaluation is required
8.	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
9.	Sand barrens, savannahs and tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required
10.	Kettle lakes	All land within 120 metres of the surface catchment area	All land within the surface catchment area or within 30 metres of any part of feature, whichever is greater, subject to clause 26 (4) (c) if a hydrological evaluation is required
11.	Permanent and intermittent streams	All land within 120 metres of meander belt	All land within 30 metres of meander belt, subject to clause 26 (4) (c) and subsection 26 (5) if a hydrological evaluation is required
12.	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 26 (4) (c) and subsection 26 (5) if a hydrological evaluation is required

PART IV • SPECIFIC LAND USE POLICIES

Application

31. (1) The following provisions of this Part apply to land in the Natural Core Areas:

1. Sections 32 to 34.
2. Sections 36, 37 and 39.
3. Subsections 41 (1), (3), (4), (5) and (6).
4. Sections 42 to 47.

(2) The following provisions of this Part apply to land in the Natural Linkage Areas:

1. Sections 32 to 37 and 39.
2. Subsections 41 (1), (2), (4), (5) and (6).
3. Sections 42 to 47.

(3) The following provisions of this Part apply to land in the Countryside Areas:

1. Sections 32 to 34.
2. Subsections 35 (1), (4), (5) and (6).
3. Sections 36 to 40.
4. Subsections 41 (1), (4), (5) and (6).
5. Sections 42 to 47.

(4) The following provisions of this Part apply to land in the Settlement Areas:

1. Subsections 41 (1), (4) and (5).
2. Sections 42 to 47.

Lot creation

32. (1) A lot may be created only in the following circumstances, and subject to section 15, subsections (2), (3), (4) and (5) of this section, and Part III:

1. Severance, from a rural lot, of a farm retirement lot or a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such

severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total.

2. Severance from each other of two or more rural lots that have merged in title. The severance shall follow the original lot lines or original half lot lines.

3. Allowing land acquisition for transportation, infrastructure, and utilities as described in section 41, but only if the need for the project has been demonstrated and there is no reasonable alternative.

4. The addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.

5. Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation.

6. Severance from each other of parts of a lot that are devoted to different uses, but only if the uses are legally established at the time of the application for severance.

(2) Subsection (1) applies whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.

(3) A lot may be created only if there is enough net developable area on both the severed lot and the remainder lot to accommodate proposed uses, buildings and structures and accessory uses without encroachment on key natural heritage features or hydrologically sensitive features.

(4) When a lot is created, the municipality shall enter into a site plan agreement or other agreement with the applicant to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any key natural heritage features and hydrologically sensitive features on the lot.

(5) A lot shall not be created if this would extend or promote strip development.

(6) In subsection (1),

"farm retirement lot" means a lot that is severed from land that is being used in a farming operation, on the application of a person who,

(a) owned and operated the farm operation, as a full-time farmer, for a substantial number of years,

(b) was engaged in farming on January 1, 1994 or on an earlier date set out in the applicable official plan, and

(c) has reached retirement age and is retiring from active working life;

"original half lot" means half of an original lot that contained 80.9 hectares (200 acres), more or less;

"original lot" means a township lot shown on a plan certified by the Surveyor General of Ontario as being the original plan of an original survey;

"residence surplus to a farming operation" means,

(a) if there are two or more farm residences, both built before 1978, on a lot that is being used in a farming operation, one of those residences that is surplus to the farming operation, or

(b) if the owner and operator of a farming operation acquires an additional lot and uses it in the consolidated farming operation, any existing farm residence that is surplus to the consolidated farming operation;

"rural lot" means a lot that is at least 97.5 per cent of the land that is left in an original lot or an original half lot after the deduction of any land that is,

(a) conveyed at any time for transportation, utilities and infrastructure as described in section 41, whether before, on or after November 16, 2001, or

(b) validly conveyed before June 27, 1970.

Restriction re agricultural uses, mineral aggregate operations, wayside pits

33. (1) The following are specified matters for the purpose of clause 5 (d) of the Act:

1. Agricultural uses.
2. Mineral aggregate operations.
3. Wayside pits.

(2) Official plans and zoning by-laws shall not contain provisions, with respect to the specified matters listed in subsection (1), that are more restrictive than those in this Plan.

Uses accessory to agricultural uses

34. Permitted uses accessory to agricultural uses include, but are not limited to,

(a) the roadside sale of produce of the farm operation;

(b) the manufacture of value-added products from produce of the farm operation; and

(c) a second dwelling that is a temporary, mobile or portable unit, if the applicant demonstrates that the dwelling,

(i) is required to house help that is needed on the farm operation on a seasonal or full time basis,

(ii) does not require a consent under section 50 or 53 of the *Planning Act*, and

(iii) will not adversely affect the ecological integrity of the Plan Area.

Mineral aggregate operations and wayside pits

35. (1) An application for a mineral aggregate operation or wayside pit shall not be approved unless the applicant demonstrates,

(a) that the quantity and quality of groundwater and surface water in the Plan Area will be maintained and, where possible, improved or restored;

(b) that as much of the site as possible will be rehabilitated,

(i) in the case of land in a prime agricultural area, by restoring the land so that it can be used for agriculture, and

(ii) in all other cases, by establishing or restoring natural self-sustaining vegetation;

(c) if there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored; and

(d) if there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.

(2) An application for a mineral aggregate operation or wayside pit with respect to land in a Natural Linkage Area shall not be approved unless the applicant demonstrates,

(a) that there will be compliance with subsection (1);

(b) that there will be no extraction within 1.5 metres of the water table;

(c) that the extraction of mineral aggregates from the site will be completed as quickly as possible;

(d) that the site will be rehabilitated in stages as quickly as possible; and

(e) that the entire site will be rehabilitated,

(i) in the case of land in a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level, and

(ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.

(3) In order to maintain connectivity, when a mineral aggregate operation or a wayside pit is located in a Natural Linkage Area, there shall at all times be an excluded area (which, for greater

certainty, may contain both undisturbed land and land whose rehabilitation is complete) that,

(a) is at least 1.25 kilometres wide;

(b) lies outside the active or unrehabilitated portions of the area being used; and

(c) connects parts of the Natural Linkage Area outside the mineral aggregate operation or wayside pit.

(4) Despite subsection 22 (2), an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,

(a) the key natural heritage feature is occupied by young plantations or early successional habitat; and

(b) the applicant demonstrates that,

(i) the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,

(ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and

(iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.

(5) In subclause (4) (b) (iii),

"ecological value" means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species.

(6) An application for a mineral aggregate operation or wayside pit with respect to land in a landform conservation area

(Category 1 or 2) shall not be approved unless the applicant demonstrates,

(a) that the area from which mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and

(b) that the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored.

Comprehensive rehabilitation plans

36. Municipalities and the mineral aggregate industry are encouraged to work together to develop and implement comprehensive rehabilitation plans for parts of the Plan Area that are affected by mineral aggregate operations.

Low-intensity recreational uses

37. (1) Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:

1. Non-motorized trail uses.
2. Natural heritage appreciation.
3. Unserviced camping on public and institutional land.
4. Accessory uses.

(2) Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the adverse effects on the ecological integrity of the Plan Area will be kept to a minimum by,

(a) keeping disturbed areas to a minimum; and

(b) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.

Major recreational uses

38. (1) Major recreational uses are recreational uses that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to the following:

1. Golf courses.
2. Serviced playing fields.
3. Serviced campgrounds.
4. Ski hills.

(2) An application to establish or expand a major recreational use shall be accompanied by a recreation plan demonstrating that,

(a) water use for maintenance or snow-making or both will be kept to a minimum;

(b) grassed, watered and manicured areas will be limited to sports field surfaces, golf fairways, tees and greens, and landscaped areas around buildings and structures;

(c) crossings of intermittent and permanent streams will be kept to a minimum;

(d) water-conserving technologies (such as low flow toilets and shower heads) will be used in clubhouses and restaurants;

(e) water-conserving technologies (such as timed irrigation systems designed to reduce evaporation losses, and recycling of water from under greens) will be used in the irrigation and watering of sports field surfaces, golf fairways, tees and greens, and landscaped areas around buildings and structures; and

(f) stormwater treatment facilities will be used to capture and treat runoff from areas with impervious surfaces.

(3) An application to establish or expand a major recreational use shall be accompanied by a vegetation management plan demonstrating that,

(a) the application of fertilizers, pesticides, herbicides and fungicides will be limited to sports field surfaces, golf

fairways, tees, greens and landscaped areas around buildings and structures, and, in those locations, will be kept to a minimum;

(b) grass mixtures that require minimal watering and upkeep will be used for sports field surfaces and golf fairways; and

(c) wherever possible, intermittent stream channels and drainage swales will be kept in a free-to-grow, low-maintenance condition.

(4) An application to establish or expand a major recreational use shall demonstrate that,

(a) the recreational activities on the site,

(i) will be compatible with the natural character of the surrounding area, and

(ii) will be designed and located so as not to conflict with adjacent land uses; and

(b) new technologies relating to construction, grounds maintenance and water conservation will be explored and incorporated, as they become available, to help maintain, and where possible improve or restore the ecological integrity of the Plan Area.

Trail system

39. (1) A recreational trail system shall be established to provide continuous access and travel along the entire Plan Area, accessible to all including persons with disabilities.

(2) The trail system shall,

(a) be designed to maintain and, where possible, improve or restore the ecological integrity of the Plan Area;

(b) be located in the Natural Core Areas and Natural Linkage Areas as much as possible;

(c) be located away from unopened road allowances as much as possible.

(3) Despite anything else in this Plan, the following uses, buildings and structures are permitted on the trail system:

1. Non-motorized trail uses.
2. Parking, signage, washrooms and interpretive facilities to support access to the trail system.
3. Fencing to define and protect the trails.
4. Works to improve access to the trail system and remove barriers to its use, for the benefit of all including persons with disabilities.
5. Works to protect ecologically sensitive portions of the trail system.
6. Conservation and erosion control to protect or restor key natural heritage features and hydrologically sensitive features and the related ecological functions along the trail system.

(4) Paragraph 1 of subsection (3) does not prohibit the use of motorized wheelchairs by persons who need them for mobility.

Small-scale commercial, industrial and institutional uses

40. (1) Small-scale commercial, industrial and institutional uses,

(a) are supportive of, complementary to or essential to uses that are permitted in Countryside Areas under sections 13, 14 and 17;

(b) do not require large-scale modification of terrain, vegetation or both or large-scale buildings and structures; and

(c) include, but are not limited to,

(i) farm implement stores, feed stores and country markets,

(ii) portable mineral aggregate crushing plants, portable asphalt plants and composting plants, and

(iii) schools, places of worship, community halls, retirement homes, and cemeteries, intended mainly to serve nearby Rural Settlements within the Plan Area.

(2) An application for a small-scale commercial, industrial or institutional use with respect to land in a Countryside Area shall not be approved unless the applicant demonstrates that,

(a) it is not feasible to locate the use in a Settlement Area; and

(b) the buildings and structures will be planned, designed and constructed so as not to adversely affect,

(i) the rural character of the Countryside Areas, and

(ii) the ecological integrity of the Plan Area.

Transportation, infrastructure and utilities

41. (1) Transportation, infrastructure and utilities uses include,

(a) public highways;

(b) transit lines, railways and related facilities;

(c) gas and oil pipelines;

(d) sewage and water service systems and lines and storm-water management facilities;

(e) power transmission lines;

(f) telecommunications lines and facilities, including broadcasting towers;

(g) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (f); and

(h) rights of way required for the facilities listed in clauses (a) to (g).

(2) An application for a transportation, infrastructure or utilities use with respect to land in a Natural Linkage Area shall not be approved unless,

(a) the need for the project has been demonstrated and there is no reasonable alternative; and

(b) the applicant demonstrates that the following requirements will be satisfied, to the extent that is possible while also meeting all applicable safety standards:

1. The area of construction disturbance will be kept to a minimum.

2. Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utility uses within a single corridor as possible.

3. The project will allow for wildlife movement.

4. Lighting will be focused downwards and away from Natural Core Areas.

5. The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum.

(3) An application for a transportation, infrastructure or utilities use with respect to land in a Natural Core Area shall not be approved unless the applicant demonstrates that,

(a) the requirements of subsection (2) have been met;

(b) the project does not include and will not in the future require a highway interchange or a transit or railway station in a Natural Core Area; and

(c) the project is located as close to the edge of the Natural Core Area as possible.

(4) Except as permitted in subsection (5), with respect to land in a key natural heritage feature or a hydrologically sensitive feature, all new transportation, infrastructure and utilities uses and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited.

(5) Transportation, infrastructure, and utilities uses may be permitted to cross a key natural heritage feature or a hydrologically sensitive feature if the applicant demonstrates that,

(a) the need for the project has been demonstrated and there is no reasonable alternative;

(b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum;

(c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages, including the trail system referred to in section 39;

(d) the landscape design will be adapted to the circumstances of the site and use native plant species as much as possible, especially along rights of way; and

(e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health, diversity, size and connectivity of the key natural heritage feature or hydrologically sensitive feature.

(6) Service and utility trenches for transportation, infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability

42. (1) Every official plan shall contain policies that,

(a) establish wellhead protection areas, in accordance with subsection (2), around all existing and new wells for municipal water services;

(b) with respect to each wellhead protection area,

(i) prohibit or restrict the uses listed in subsections 28 (1) and (2), and

(ii) prohibit or restrict other uses that could adversely affect the quality or quantity of groundwater reaching a well; and

(c) encourage restrictions on haulage routes for transportation of chemicals and volatile materials in wellhead protection areas and in areas of high aquifer vulnerability under section 29.

(2) A wellhead protection area shall identify zones of contribution corresponding to,

(a) zero to two years of time of travel;

(b) two to ten years of time of travel; and

(c) 10 to 25 years of time of travel.

(3) Every regional municipality shall comply with clause (1) (a) on or before April 22, 2003.

(4) Every municipality other than a regional municipality shall comply with clause (1) (a) on or before October 22, 2003.

(5) Every municipality shall comply with clause (1) (b) on or before April 23, 2007.

Sewage and water services

43. (1) An application for major development shall be accompanied by a sewage and water system plan that demonstrates,

(a) that the ecological integrity of hydrological features and key natural heritage features will be maintained;

(b) that the quantity and quality of groundwater and surface water will be maintained;

(c) that stream baseflows will be maintained;

(d) that the project will comply with the applicable watershed plan and water budget and conservation plan; and

(e) that the water use projected for the development will be sustainable.

(2) Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

Partial services

44. (1) The construction or expansion of partial services is prohibited.

(2) Subsection (1) does not apply to prevent the construction or expansion of partial services that is necessary to address a serious health concern or environmental concern.

(3) Subsection (1) does not apply to prevent the construction or expansion of partial services if,

(a) the construction or expansion was approved under the *Environmental Assessment Act* before November 17, 2001; and

(b) the period of time during which the construction or expansion may begin has not expired.

(4) Subsection (1) does not apply to prevent the construction or expansion of partial services in the Palgrave Estate Residential Community as shown on the land use designation map referred to in section 2.

Stormwater management

45. (1) An application for major development shall be accompanied by a stormwater management plan, as set out in section 46.

(2) Every application for development or site alteration shall demonstrate that planning, design and construction practices that protect water resources will be used, including,

(a) keeping the removal of vegetation, grading and soil compaction to a minimum;

(b) keeping all sediment that is eroded during construction within the site;

(c) seeding or sodding exposed soils as soon as possible after construction; and

(d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

(3) In considering an application for development or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads.

(4) Municipal development standards shall incorporate planning, design and construction practices that will,

(a) reduce the portions of lots and sites that have impervious surfaces; and

(b) provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.

(5) Subsections (2), (3) and (4) do not apply to applications for mineral aggregate operations.

(6) For the purposes of stormwater management, the minimum standard for water quality is that 80 per cent of suspended solids shall be removed from stormwater runoff as a long-term average.

(7) Despite anything else in this Plan, disposal of stormwater into a kettle lake is prohibited.

(8) Despite anything else in this Plan, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.

(9) In subsection (8),

"stormwater management pond" means a detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.

Stormwater management plans

46. (1) The objectives of a stormwater management plan are to,

(a) maintain groundwater quantity and flow and stream baseflow;

(b) protect water quality;

(c) protect aquatic species and their habitat;

(d) prevent increases in stream channel erosion; and

(e) prevent any increase in flood risk.

(2) A stormwater management plan shall provide for an integrated treatment train approach that uses a planned sequence of methods of controlling stormwater and keeping its impact to a minimum by techniques including, without limitation,

(a) lot level controls such as devices and designs that direct roof discharge to rear yard ponding areas;

(b) conveyance controls such as grassed swales; and

(c) end-of-pipe controls such as wet ponds at the final discharge stage.

(3) A stormwater management plan shall be prepared in accordance with the applicable watershed plan under section 24, if one exists.

Rapid infiltration basins and columns

47. (1) Despite anything else in this Plan, new rapid infiltration basins and new rapid infiltration columns are prohibited.

(2) In subsection (1),

"rapid infiltration basin" means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces;

"rapid infiltration column" means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

PART V • PRESCRIBED PROVISIONS

Prescribed provisions, subs. 15 (2) of Act

48. With respect to land in the Natural Core Areas, Natural Linkage Areas and Countryside Areas, the following provisions are prescribed for the purposes of subsection 15 (2) of the Act:

Sections 20, 22, 23 and 26
Clause 43 (1) (b)
Subsections 45 (7) and (8)
Section 47

Commencement

49. This Regulation shall be deemed to have come into force on November 16, 2001.

CHRIS HODGSON
Minister of Municipal Affairs
and Housing

Filed in Toronto on April 22, 2002.

MISE EN ŒUVRE

Situation et effet de ce Plan

Les politiques de ce Plan ne modifient pas les droits ancestraux des peuples autochtones ou les droits issus de traités reconnus ou affirmés par la *Loi constitutionnelle*. Le gouvernement doit consulter les peuples autochtones pour les décisions pouvant avoir des répercussions sur l'utilisation des terres et des ressources de la Couronne faisant l'objet de droits ancestraux ou de traités dans la moraine d'Oak Ridges.

Obligations provinciales et soutien technique

a) Le gouvernement de l'Ontario doit mettre à la disposition des utilisateurs de ce Plan de l'information technique sur les éléments d'importance du patrimoine naturel, s'il y a lieu, et sur les critères d'identification et de repérage de ces éléments ainsi que des éléments sensibles sur le plan hydrologique, des régions de conservation du relief et des

zones très vulnérables à la pollution des eaux souterraines, comme le décrit la PARTIE 3 du Plan.

b) Le gouvernement de l'Ontario doit mettre à jour les directives techniques existantes ou, au besoin, en élaborer de nouvelles pour aider les utilisateurs de ce Plan à mieux comprendre, interpréter et mettre en œuvre les politiques du Plan. Ces directives comprendront, entre autres, des manuels sur les sujets suivants :

- le patrimoine naturel;
- la conservation du relief;
- la planification, la conception et la mise en œuvre de la gestion des eaux pluviales;
- la préparation d'un bilan hydrique et d'un plan de conservation de l'eau;
- la préparation d'un plan de gestion des bassins hydrographiques et des sous-bassins versants.

c) Le gouvernement de l'Ontario, en partenariat avec les municipalités, les offices de protection de la nature et d'autres intervenants, élaborera et maintiendra un système de gestion des données pour recueillir, stocker, mettre à jour et partager l'information sur le patrimoine naturel, les ressources en eau et les données géotechniques nécessaires pour interpréter et appliquer les politiques du Plan.

Mise en œuvre par les municipalités

a) La *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* oblige les municipalités à modifier leurs plans officiels pour les rendre conformes au Plan et pour faire en sorte que leurs décisions touchant l'aménagement soient, elles aussi, conformes au Plan.

b) Rien dans ce Plan n'empêche les municipalités d'inclure des politiques dans leurs plans officiels ou des dispositions dans leurs règlements de zonage qui soient plus strictes que les politiques du Plan, à moins que le Plan ne l'interdise. Le gouvernement de l'Ontario encourage les municipalités à élaborer des politiques supplémentaires concernant la moraine d'Oak Ridges qui appuient, complètent ou dépassent les politiques du Plan.

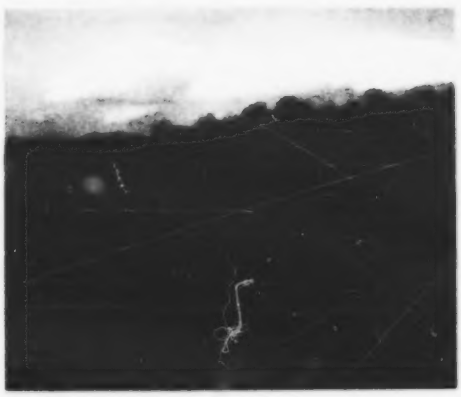
Indicateurs de rendement et suivi

a) Le gouvernement de l'Ontario, en consultation avec les municipalités, identifiera avec le temps des indicateurs de rendement qui serviront à surveiller l'efficacité du Plan.

b) Le gouvernement de l'Ontario, en partenariat avec les intervenants concernés, créera un réseau de suivi pour recueillir, résumer et évaluer régulièrement les données relatives aux indicateurs de rendement, afin :
   - d'évaluer les changements de l'intégrité écologique de la moraine;
   - d'évaluer à quel point les politiques du Plan permettent de réaliser la vision et les objectifs de ce Plan;
   - d'aider à déterminer les améliorations qui permettraient de résoudre les problèmes rencontrés lors de la mise en œuvre du Plan.

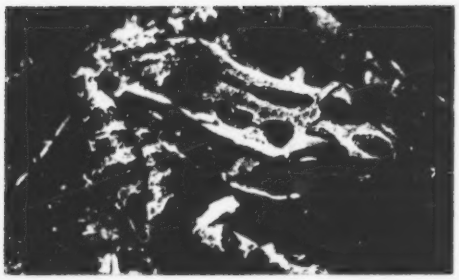
Examen et modification du Plan

a) Ce Plan est un plan stratégique à long terme qui sera examiné formellement tous les 10 ans et, au besoin, modifié, afin :
   - d'ajouter de nouveaux renseignements ou de mettre à jour ou corriger les renseignements existants;
   - d'améliorer l'efficacité et la pertinence des politiques qu'il renferme;
   - de refléter les changements des priorités ou les nouvelles priorités du gouvernement de l'Ontario.



b) L'examen décennal ne peut envisager de réduire la superficie totale des zones centrales naturelles et des liens physiques naturels.

c) Les points suivants seront étudiés lors de l'examen décennal du Plan :
   - la nécessité de modifier ou de définir avec plus de précision les limites des zones de campagne et des zones de peuplement;
   - l'opportunité et la pertinence de la vision, du but, des objectifs et des politiques du Plan.



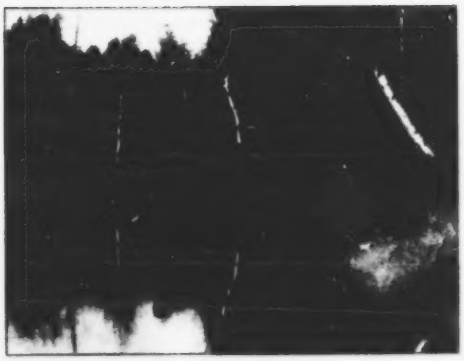
- l'efficacité des politiques du Plan par rapport à la vision et aux objectifs du Plan;
- les renseignements nouveaux, mis à jour ou corrigés;
- les nouvelles sciences, technologies ou méthodes qui permettront d'améliorer l'efficacité du Plan;
- toute autre question que le gouvernement de l'Ontario jugera pertinente.

d) Pour que la nécessité de modifier ou de définir avec plus de précision les limites des zones de campagne et des zones de peuplement soit considérée dans le cadre de l'examen décennal, la municipalité de palier supérieur ou à palier unique devra préparer une étude de justification qui démontrera de façon détaillée que :

- il y a suffisamment de terres affectées dans le plan officiel pour satisfaire les besoins en croissance à court terme de la municipalité;
- on a étudié de façon exhaustive toutes les possibilités de construction en terrain intercalaire, d'intensification et de réaménagement pour accommoder la totalité ou une partie de la croissance prévue dans les zones de peuplement existantes de la municipalité et ces possibilités ne nuisent pas à l'intégrité écologique de la moraine;
- on a étudié de façon exhaustive toutes les possibilités d'utiliser des zones de peuplement dans d'autres municipalités ou des zones urbaines à l'extérieur de la moraine d'Oak Ridges pour accommoder la totalité ou une partie de la croissance prévue;
  - la nouvelle limite proposée de la zone de peuplement n'empiètera pas sur une zone centrale naturelle ou un lien physique naturel et ne nuira pas à ces régions;
  - la superficie de la zone que l'on propose d'ajouter aux zones de peuplement a été réduite autant que possible en permettant l'aménagement à des densités qui favorisent l'utilisation efficace des infrastructures existantes et qui réduisent au minimum la consommation de terres;
- des bilans hydriques et des plans de conservation de l'eau ont été élaborés conformément à la PARTIE 3 (section 24) du Plan.

e) On peut également étudier, lors de l'examen décennal, les politiques du Plan relatives à l'extraction d'agrégats minéraux dans les zones centrales naturelles, en reconnaissant que les agrégats minéraux sont une ressource non renouvelable qui est particulièrement précieuse lorsqu'elle se trouve si près des marchés. On étudiera en particulier la possibilité de modifier les politiques du Plan afin de permettre l'établissement de nouvelles exploitations d'agrégats minéraux et de nouveaux puits d'extraction en bordure de route, ou l'agrandissement des exploitations existantes de ce genre dans les zones centrales naturelles, lorsque l'intégrité écologique et hydrologique de ces régions peut être maintenue ou améliorée. Toute considération de modifier les politiques à cet égard exigera des études afin :

- d'identifier les zones particulières, comme les habitats agricoles, de jeunes plantations et de succession anciens, où les extractions pourraient avoir lieu sans diminuer à long terme ou en permanence l'intégrité écologique ou hydrologique de ces zones;
  - de démontrer qu'aux endroits où il faut éliminer la végétation naturelle stable pour permettre l'extraction d'agrégats minéraux, on rétablira cette végétation à une valeur écologique égale ou supérieure à celle de la végétation d'origine;
  - de démontrer que la végétation naturelle stable sera rétablie dans toutes les zones non agricoles où se dérouleront les opérations d'extraction;
  - de démontrer que la connectivité des éléments d'importance du patrimoine naturel et des éléments sensibles sur le plan hydrologique sera maintenue ou, lorsque c'est possible, améliorée ou rétablie, pendant et après les opérations d'extraction;



- d'identifier les méthodes opérationnelles qui permettront de réduire au minimum les répercussions néfastes de l'extraction, comme :
  - procéder à l'extraction par étapes pour réduire au minimum la superficie des sols exposés à un moment quelconque;
  - favoriser l'extraction et la remise en état rapides, surtout dans les zones adjacentes aux éléments d'importance du patrimoine naturel;

- limiter les activités se déroulant sur le site à l'extraction et à la remise en état, et exercer les autres activités comme le traitement, le lavage et le stockage à l'extérieur des zones centrales naturelles;
- de démontrer comment les exploitations d'agrégats minéraux et leurs activités de rétablissement ont réussi à maintenir et à améliorer l'intégrité écologique et hydrologique dans les zones centrales naturelles, les liens physiques naturels et les zones de campagne depuis la date de prise d'effet de ce Plan.

f) Il n'est pas prévu de modifier ce Plan de façon systématique ou régulière. Le ministre étudiera cependant les demandes de modification présentées hors du cadre de l'examen décennal dans les cas suivants :

- la modification proposée permettrait de corriger des circonstances majeures ou imprévues, ou d'intégrer ou de refléter d'importantes nouvelles lois, politiques ou normes ou d'importants nouveaux règlements du gouvernement de l'Ontario;
- le renvoi de la modification au prochain examen décennal mettrait en péril l'efficacité ou l'intégrité générale du Plan;
- la modification améliorerait l'efficacité des politiques du Plan et les rendrait plus pertinentes.

Comment communiquer avec nous

Si vous avez des questions au sujet de l'approbation de demandes d'aménagement et de la transition à un endroit particulier, nous vous encourageons à consulter tout d'abord la municipalité concernée.

Si vous avez des questions portant sur la conformité des plans officiels et des règlements de zonage au Plan de conservation de la moraine d'Oak Ridges, veuillez communiquer avec un Bureau des services aux municipalités du ministère des Affaires municipales et du Logement :

Bureau des services aux municipalités du Centre de l'Ontario
(416) 585-6226
Sans frais : 1-800-668-0230

Bureau des services aux municipalités de l'Est
(613) 548-4304
Sans frais : 1-800-267-9438

Pour toute question générale, veuillez communiquer avec le service suivant :

Équipe des politiques relatives à la moraine d'Oak Ridges
Direction des services provinciaux pour l'aménagement et l'environnement
Ministère des Affaires municipales et du Logement
777, rue Bay, 14e étage
Toronto ON M5G 2E5
(416) 585-6014
Courriel : oakridgesmoraine@mah.gov.on.ca